



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

October 15, 2013

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To: Supervisor Mark Ridley-Thomas, Chairman  
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Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

## **SACRAMENTO UPDATE - GUN VIOLENCE LEGISLATION**

### **Executive Summary**

This memorandum is to provide the Board a comprehensive update on the Governor's actions on legislation of County-interest related to gun violence.

### **Overview**

On October 11, 2013, the Governor acted on a number of measures including 14 bills related to gun violence.

As previously reported, a package of Senate bills, collectively named the Life Act, to address gun violence issues was introduced earlier in the Legislative Session as a key priority of Senate President Pro Tempore Darrell Steinberg and Legislative Leadership. Four of these measures were passed by the Legislature at the end of session and sent to the Governor for consideration. The Legislature also passed a number of other measures of County-interest related to gun violence.

### **Senate Package of Gun Violence Legislation**

**SB 374 (Steinberg, Hancock, and Yee)**, which would classify a gun that does not have a fixed magazine with the capacity to accept no more than 10 rounds as an assault weapon and would require a person who, between January 1, 2001 and December 31, 2013, lawfully possessed an assault weapon, to register the firearm by July 1, 2015, was vetoed by the Governor.

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In his veto message, the Governor indicated that he did not believe a blanket ban on semi-automatic rifles would necessarily reduce criminal activity or enhance public safety enough to warrant an infringement on gun owners' rights.

**SB 567 (Jackson)**, which would: 1) revise the definition of a shotgun to delete the requirement that it be intended to be fired from the shoulder; 2) clarify that the projectile may be fired through either a rifled bore or a smooth bore; and 3) require any person who, from January 1, 2001 to December 31, 2013, lawfully acquired a shotgun with a revolving cylinder to register the firearm before July 1, 2015, with the California Department of Justice, was vetoed by the Governor.

In his veto message, the Governor stated that he was unconvinced that the measure was justified at this time.

**SB 683 (Block)**, which would: 1) commencing January 1, 2015, prohibit a person from purchasing or receiving any firearm without a valid firearm safety certificate; 2) prohibit any person from selling, delivering, loaning, or transferring any firearm to a person who does not have a valid firearm safety certificate; and 3) commencing January 1, 2015, require a safe handling demonstration for purchasers of long guns, was signed by the Governor.

**SB 755 (Wolk)**, which would apply the 10-year firearms prohibition period to persons convicted of two or more misdemeanors within a three-year period involving intoxication or possession of certain controlled substances, and prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment, was vetoed by the Governor.

In his veto message, the Governor indicated that he was not convinced that it is necessary to prohibit gun ownership on the basis of crimes that are not felonies, non-violent and do not involve the misuse of a firearm.

### **Other Legislation of County Interest Related to Gun Violence**

#### **Ammunition**

**AB 48 (Skinner)**, which would make it a misdemeanor to buy or receive a large capacity magazine or to knowingly manufacture, import, offer for sale, or give, lend, buy, or receive any large capacity magazine conversion kit that is capable of converting an

ammunition feeding device into a large-capacity magazine. The bill would also make it a misdemeanor or a felony to buy or receive a large-capacity magazine, was signed by the Governor.

### **Assault Weapons**

**AB 170 (Bradford)**, which would limit a person to an individual for permit purposes for assault weapons, .50 BMG rifles, and machine guns, and other purposes related to the regulation of assault weapons and .50 BMG rifles, was signed by the Governor.

### **Gun Manufacturing, Sales and Transfer**

**AB 169 (Dickinson)**, which would repeal specified exemptions related to the manufacturing, importing, selling, giving, or lending of unsafe handguns and would make the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol with a break top or bolt action, or to a semiautomatic pistol that has been temporarily or permanently altered so that it will not fire in a semiautomatic mode, was vetoed by the Governor.

In his veto message, the Governor indicated that he was not supportive of the measure's restrictions without evidence that such restrictions would improve public safety.

### **Gun Storage**

**AB 231 (Ting)**, which would establish the offense of criminal storage of a firearm when a person keeps a loaded firearm within any premises under his or her custody or control and negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child, was signed by the Governor.

**SB 363 (Wright)**, which would make it a misdemeanor for a person who keeps a handgun at their premises and knows or reasonably should know that a prohibited person is likely to gain access to the handgun, and the prohibited person gains access to the handgun and carries it off-premises or off-premises and to a school. SB 363 expands the definition of criminal storage to a person who keeps a firearm and knows or reasonably should know that a person prohibited from owning or possessing a firearm

or deadly weapon is likely to gain access to the firearm, and that person gains access to the firearm and thereby causes death or injury to himself or herself, or any other person, or carries the firearm to a public place, or unlawfully displays or uses the firearm, was signed by the Governor.

### **Licenses, Waiting Period and Reporting**

**AB 500 (Ammiano)**, would require the California Department of Justice, upon review of a background check, to immediately notify a firearms dealer to delay the transfer of a firearm to a purchaser if records indicate that the purchaser has been taken into custody and placed in a facility for mental health treatment or that he or she has been arrested or charged with a crime, or that the purchaser is attempting to purchase more than one firearm within a 30-day period, and the Department is unable to confirm the specifics of the information prior to the conclusion of the 10-day waiting period. This measure would also prohibit a person who is residing with someone who is prohibited by State or Federal law from possessing a firearm from keeping a firearm at that residence unless the firearm is either kept within a locked container, locked gun safe, locked trunk, locked with a locking device, disabled by a firearm safety device, or carried on the person. AB 500 was signed by the Governor.

**AB 538 (Pan)**, which would clarify various exceptions and exemptions to the sale, delivery, or transfer of a firearm, clarify certain licensing requirements, and specify the information entered into Statewide databases regarding the destruction of weapons and the information provided at time of sale or transfer of a firearm, was signed by the Governor.

**SB 299 (DeSaulnier)**, which would require an individual to report the theft or loss of a firearm he or she owns to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within seven days of the time he or she knew, or reasonably should have known, that the firearm had been lost or stolen, and would also require that persons licensed to sell firearms post a warning within the licensed premises in block letters stating the requirement that a lost or stolen firearm be reported to a local law enforcement agency, was vetoed by the Governor.

In his veto message, the Governor indicated that he remains skeptical that criminalizing the failure to report a lost or stolen firearm would improve identification of gun traffickers or help law enforcement disarm prohibited persons.

## **Prohibited Persons**

**AB 539 (Pan)**, which would allow anyone who is prohibited from owning or possessing a firearm to transfer any firearm or firearms in his or her possession to a licensed firearms dealer for the duration of the prohibition, if the prohibition on owning or possessing the firearm will expire on a date specified by court order. The bill would require a firearms dealer who stores a firearm under these circumstances to notify the California Department of Justice of the date that the dealer has taken possession of the firearm. AB 539 was signed by the Governor.

**SB 127 (Gaines)**, which would require a licensed psychotherapist to make a report to local law enforcement within 24 hours when a person has communicated a serious threat of physical violence against a reasonably identifiable victim or victims, was signed by the Governor.

WTF:RA  
MR:KA:ma

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